

2026 IL App (1st) 252381-U
No. 1-25-2381
Order filed October 7, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT, THIRD DIVISION

THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

ex rel. SHAINA MATOS, Petitioner-Appellee,

v.

DANIEL BADEA, Respondent-Appellant

Appeal from the Circuit Court of Cook County.
Honorable Robert W. Johnson, Judge, Presiding.
No. 24-D-52203

JUSTICE ROCHFORD delivered the judgment of the court.
Justices Lampkin and Martin concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm the circuit court's child support order where the appellant failed to provide us with a sufficient record for review.

¶ 2 Respondent, Daniel Badea, is the father of a minor child born to Shaina Matos. The Illinois Department of Healthcare and Family Services (Department) filed a complaint for child support against respondent on behalf of Matos. The circuit court entered an order requiring respondent to pay Matos \$533.17 per month in child support, \$73.74 per month for medical insurance, and \$5,906 in retroactive support. Respondent now appeals the child support order, contending that the court erred in calculating the amounts owed. We affirm.

¶ 3 In September 2024, the Department filed its complaint on Matos's behalf against respondent for child support, stating that his obligation arose out of his voluntary acknowledgment of paternity pursuant to section 12 of the Vital Records Act (410 ILCS 535/12 (West 2020)), dated August 16, 2021. In October 2024, the Department moved for a default order because respondent failed to appear or respond within 30 days of service. On November 27, 2024, the court entered a temporary order requiring respondent to pay Matos \$100 per month in child support. On December 6, 2024, respondent filed a *pro se* appearance.

¶ 4 On July 23, 2025, the circuit court issued an order to show cause why respondent should not be held in contempt for his failure to pay the \$100 monthly child support and ordered him to provide tax information for himself and his business. On August 27, 2025, the court held respondent in contempt for his continuing failure to pay the \$100 monthly child support or to provide the requisite tax information and committed him to the Cook County jail. He was subsequently released on a \$1,000 bond.

¶ 5 On October 22, 2025, respondent filed a financial affidavit, stating that he was currently unemployed, that he had earned a gross income of \$21,450 the previous year, and that he had not filed a tax return on those earnings. Respondent did not attach proof of income, bank statements, or other documentation to his affidavit. The court held a Zoom hearing that same day on the Department's petition for child support and then entered an order stating that respondent had "refused" to allow the court to swear him in for testimony. The court ordered the parties to appear the next day, October 23, "to provide testimony regarding income/child support." Respondent was required to appear in person; Matos was allowed to appear on Zoom. The order further provided that "[t]he failure to provide financial information may result in income being imputed based on testimony."

¶ 6 Respondent failed to appear for the October 23 hearing, which was conducted in his absence. He has not provided us with a transcript of the hearing or an acceptable substitute such as a certified bystander's report or an agreed statement of facts under Supreme Court Rule 323. See Ill. S. Ct. R. 323(a), (c), (d) (July 1, 2017).

¶ 7 Following the hearing, at which Matos was the only witness, the court entered an order finding that her gross monthly income was \$2100 per month. With respect to respondent's income, the order stated: "Per [Matos's] testimony, respondent owns MVMIX recording studio and made around \$10,000 per month while the parties lived together from 2021 to 2023. Respondent still maintains the business, however [he] has failed to appear and provide financial income information." Based on Matos's testimony regarding respondent's continuing ownership of the recording studio and the income he earned there from 2021 through 2023, the court imputed respondent's current gross income as the "minimum wage of \$2877 per month." The court ordered respondent to pay Matos \$533.17 per month for child support, \$73.74 per month for medical insurance, and \$5,906 for retroactive support from September 24, 2024, through October 22, 2025.

¶ 8 Respondent now appeals, *pro se*, the child support order. Initially, the Department asks us to strike respondent's brief and dismiss his appeal for his failure to comply with multiple supreme court rules. In particular, respondent's appellant's brief violates Rule 341 (Ill. S. Ct. R. 341 (eff. Oct. 1, 2020)) because it is not paginated, his table of contents is inaccurate, his statement of facts and argument sections do not cite the pages of the record, and he cites multiple cases that do not exist. Respondent's appellant's brief violates Rule 6 (Ill. S. Ct. R. 6 (eff. July 1, 2011)) because he fails to provide pinpoint citations to the cases that do exist. Our supreme court's rules are mandatory rules of procedures and not mere suggestions. *Walters v. Rodriguez*, 2011 IL App (1st) 103488, ¶ 5. *Pro se* litigants such as respondent here are not excused from compliance with these

rules. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78. Where the appellant’s rules violations impede our review, we may strike his brief and dismiss the appeal. *In re Marriage of Ash and Matschke*, 2021 IL App (1st) 200901, ¶ 32. In the present case, despite the multiple rules violations, we can generally discern respondent’s claims of error. We therefore choose to address the merits. However, we will disregard any unsupported arguments or improperly cited or nonexistent cases.

¶ 9 We proceed to address respondent’s contention that the court erred by ordering him to pay \$533.17 per month in child support and \$5,906 in retroactive support. The circuit court’s determination of the appropriate level of child support will be reversed only if it is an abuse of discretion or if the factual predicate for the decision is against the manifest weight of the evidence. *In re A.H.*, 2023 IL App (1st) 190572, ¶ 99. A decision is against the manifest weight of the evidence where “ ‘the facts clearly demonstrate that the court should have reached the opposite result.’ ” *Id.* (quoting *In re N.B.*, 191 Ill. 2d 338, 346 (2000)).

¶ 10 In determining whether the circuit court abused its discretion or acted against the manifest weight of the evidence when ordering the amounts of child support in this case, we first set forth some background facts necessary for our disposition. The Department initiated this case on Matos’s behalf by filing a complaint for child support under the Illinois Parentage Act of 2015 (Parentage Act). 750 ILCS 46/101 *et seq.* (West 2024). Section 801(a) of the Parentage Act (*id.* § 801(a)) states that in determining the amount of the child support award, the court shall use the guidelines and standards provided for in sections 505 and 505.2 of the Illinois Marriage and Dissolution of Marriage Act (Marriage Act) (750 ILCS 5/505, 505.2 (West 2024)). Under section 505(a)(1.5) of the Marriage Act, the court computes the basic child support obligation by (a) determining each parent’s monthly net income; (b) adding the parents’ monthly net incomes together to determine their combined monthly net income; (c) selecting the support obligation from

a schedule prepared by the Department, which shows the amount of money that parents with that combined monthly net income spend on their children; and (d) calculating each parent's percentage share of the basic child support obligation. *Id.* § 505(a)(1.5).

¶ 11 Sections 505(a)(3.2a) and (3.2b) of the Marriage Act further provide that where a party is voluntarily unemployed or underemployed, the court may impute potential income to him by considering his assets; ownership of a substantial non-income producing asset; residence; employment and earning history; job skills; education; literacy; age; health; criminal record; and record of seeking work. *Id.* §§ 505(a)(3.2a) and (3.2b). Such imputation of income must be accompanied by "specific written findings identifying the basis or bases for imputation." *Id.* § 505(a)(3.2b).

¶ 12 First, respondent argues that the court erred by imputing his income at \$2877 per month without identifying the basis under sections 505(a)(3.2a) and (3.2b). We find no error. Respondent's financial affidavit indicated he was currently unemployed although he had earned in excess of \$20,000 the previous year. Respondent did not attach any financial documentation such as proof of income or bank statements to his affidavit and he did not appear at the hearing to testify. The support order noted the uncertainty surrounding respondent's job status and actual income due to his absence from the hearing and his failure to provide any "financial income information." Given this uncertainty surrounding respondent's actual income, the court turned to the factors set forth in sections 505(a)(3.2a) and (3.2b) for imputing potential income. As discussed, such factors include respondent's assets, employment and earning history, and job skills. Matos testified to those factors by relating how respondent owns a recording studio and earned an income therefrom of \$10,000 per month from 2021 to 2023. The support order specifically stated that Matos's testimony regarding respondent's continuing ownership of a recording studio from which he had

earned \$10,000 per month from 2021 to 2023 made it “reasonable to impute” that he at least had the capacity to earn a “minimum wage of \$2877 per month” going forward. The court’s finding adequately set forth the basis for the imputation of income under sections 505(a)(3.2a) and (3.2b).

¶ 13 Respondent argues, though, that “the record does not identify *** what labor market data supported the minimum wage amount, or how the court determined [respondent] had the capacity to earn exactly \$2877 per month in current circumstances.” Respondent complains that the record does not show that the court addressed “the viability of his recording business at the time of the hearing, or any other present-tense income indicator.” Respondent’s complaints about the insufficient record are not well-taken because the record is incomplete due to his failure to provide us with a transcript of the hearing or an acceptable Rule 323 substitute such as a certified bystander’s report or an agreed statement of facts. As the appellant, respondent bears the burden of providing this court with a sufficient record for reviewing his claim of error. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 291 (1984). In the absence of a complete record, we presume that the child support order entered by the court was in conformity with the law and had a sufficient factual basis (*id.* at 392), meaning, for purposes of this argument, that we presume that the court correctly found that respondent’s present earning capacity is \$2877 per month.

¶ 14 Next, respondent argues that the court erred by failing to make any written finding showing how it determined that Matos was earning \$2100 per month or why it determined that her monthly income is lower than respondent’s income and below minimum wage. Respondent questions whether, in the absence of any such written finding, the court applied the income-assessment framework “evenhandedly” to them. Contrary to respondent’s argument that the order lacks any finding as to how Matos’s income-level was determined, the circuit court specifically noted in the order that it was basing its determination on Matos’s testimony at the hearing. To the extent that

respondent is arguing that the court should have made additional written findings pursuant to sections 505(a)(3.2a) and (3.2b) regarding Matos's education, earning history and record of seeking work, we note that those sections are applicable only when the court imputes income to a party. The court here did not impute income to Matos under sections 505(a)(3.2a) and (3.2b) but instead made a finding under section 505(a)(1.5) that, based on her testimony, Matos's *actual* income was \$2100 per month. Unlike sections 505(a)(3.2a) and (3.2b), section 505(a)(1.5) contains no requirement that the court make any additional written findings when making an actual income determination.

¶ 15 Respondent contends that at the evidentiary hearing, Matos testified that she worked part-time but gave no testimony that she was limited in her ability to work full-time, that she faced medical or caregiving barriers to full-time employment, or that any other circumstances prevented her from working full-time at a wage higher than the minimum. As such, respondent argues that Matos was engaging in voluntary underemployment to reduce her support obligations and that the court should have looked beyond her testimony that she was making only \$2100 per month and instead should have considered her potential income.

¶ 16 As discussed, respondent has not provided us with a transcript of the hearing or of an acceptable substitute such as a certified bystander's report or an agreed statement of facts under Rule 323. Therefore, we do not know what Matos testified to, including what type of work she does and whether, in fact, she has the potential to earn a higher income in the future. As we discussed earlier in this order, respondent bears the burden, as the appellant, of providing this court with a sufficient record for reviewing his claim of error. *Foutch* 99 Ill. 2d at 391. In the absence of a complete record, we presume that the child support order entered by the court was in conformity with the law and had a sufficient factual basis (*id.* at 392), meaning, here, that we

presume that the court correctly found that Matos's testimony demonstrated that she was fully employed at an income level of \$2100 per month with no potential for growth in the near-future.

¶ 17 Next, respondent argues that under section 505(a)(3.4), parenting time is a material factor in calculating the correct child support obligation. Respondent contends that the court erred by entering a support order without making any findings regarding parenting time, without identifying the number of overnights exercised by either parent, and without referencing any testimony or evidence concerning the parties' respective roles in the child's life.

¶ 18 Contrary to respondent's argument, section 505(a)(3.4) makes no reference to parenting time being a material factor in the calculation of the correct child support obligation but instead addresses the factors the court may consider when deviating from the child support guidelines. The Department posits that respondent is actually referencing section 505(a)(3.8), which states:

“Shared physical care. If each parent exercises 146 or more overnights per year with the child, the basic child support obligation is multiplied by 1.5 to calculate the shared care child support obligation. The court shall determine each parent's share of the shared care child support obligation based on the parent's percentage share of combined net income. The child support obligation is then computed for each parent by multiplying that parent's portion of the shared care support obligation by the percentage of time the child spends with the other parent. The respective child support obligations are then offset, with the parent owing more child support paying the difference between the child support amounts.”
750 ILCS 5/505(a)(3.8) (West 2024).

¶ 19 In his reply brief, respondent concedes that he was referencing section 505(a)(3.8) and not section 505(a)(3.4) and argues that the court erred by failing to make the requisite findings

thereunder regarding the number of overnights exercised by each parent, the percentage of time the child spends with each parent, and their concomitant shared care support obligations.

¶ 20 Respondent's argument requires us to examine section 505(a)(3.8). The primary objective of statutory interpretation is to give effect to the legislative intent. *In re Jarquan B.*, 2017 IL 121483, ¶ 22. The most reliable indicator of legislative intent is the statutory language. *Id.* Where the statutory language is clear and unambiguous, we will apply it as written, without resorting to any other aids of statutory construction. *Id.* By its unambiguously express terms, the shared care support obligations set forth in section 505(a)(3.8) do not apply to parents who spend less than 146 overnights per year with the child. In the instant case, given the incompleteness of the record, we are unable to determine whether respondent spends the requisite 146 overnights per year with his child. As discussed, any doubts arising from the incomplete record are resolved against respondent as the appellant (*Foutch*, 99 Ill. 2d at 392) and therefore we presume that he does not spend 146 overnights with his child and that the court was correct in not applying the shared care support obligations set forth in section 505(a)(3.8).

¶ 21 Next, respondent argues that section 505(a) mandates that the court prepare and enter a completed child support worksheet and that the court's failure to prepare such a worksheet in this case requires reversal and remand for new support calculations. Section 505(a)(1) provides that the Department:

“shall adopt rules establishing child support guidelines which include worksheets to aid in the calculation of the child support obligations and a schedule of basic child support obligations that reflects the percentage of combined net income that parents living in the same household in this State ordinarily spend on their child.” 750 ILCS 5/505(a)(1)(West 2024).

¶ 22 In turn, section 505(a)(1.5) provides that the circuit court “shall compute the basic child support obligation” by determining each parent’s monthly net income; adding those incomes together to determine their combined net monthly income; selecting “the corresponding appropriate amount from the schedule of basic child support obligations” based on the parties’ combined net monthly income and number of children; and calculating each parent’s percentage share of the basic child support obligation. *Id.* § 505(a)(1.5).

¶ 23 As discussed, the primary objective of statutory interpretation is to effectuate the legislative intent, which is best indicated by the statutory language. *In re Jarquan B.*, 2017 IL 121483, ¶ 22. Section 505(a)(1) expressly mandates that *the Department* promulgate worksheets to “aid” the court when calculating child support under section 505(a)(1.5), but there is no provision anywhere in section 505(a)(1.5) requiring the court to show that it completed the Department’s worksheet prior to entering a child support order. The court’s only requirement under section 505(a)(1.5) is to make the correct income calculations and select the appropriate amount of basic child support obligations from the Department’s schedule. Accordingly, the court’s alleged failure in this case to complete the Department’s worksheet does not constitute reversible error.

¶ 24 Next, respondent argues that the circuit court erred by awarding Matos \$5,906 in retroactive child support from September 24, 2024, through October 22, 2025. The order does not specifically provide how the court arrived at the \$5,906 figure, but the Department posits that the court multiplied the monthly support award of \$533.17 by 13 (the number of months between September 24, 2024, and October 22, 2025) and then subtracted the \$1000 bond payment. Respondent argues that such a computation was erroneous because the monthly support award of \$533.17 was itself calculated using “incompetent” income figures of \$2877 per month for respondent and \$2100 per month for Matos. Respondent’s argument fails because, as discussed

earlier in this order, the incomplete record on appeal requires us to presume that the income figures are correct and, thus, that they support the retroactive support award. *Foutch*, 99 Ill. 2d at 392.

¶ 25 In his reply brief, respondent makes a new argument that the court made an arithmetic error in its calculation of the retroactive child support. Specifically, respondent notes that multiplying the monthly support order of \$533.17 by 13 equals \$6931.21, and that when the \$1000 bond payment is subtracted, the resulting figure is \$5,931.21, *not* \$5,906 as found by the circuit court. Respondent forfeited review by raising this argument for the first time in his reply brief. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Forfeiture aside, the alleged error actually works to respondent's benefit, as it requires him to pay \$25.21 less in retroactive child support. In the absence of any prejudice to him, the error was harmless and does not necessitate reversal or remand for further proceedings. See *In re Detention of Traynoff*, 358 Ill. App. 3d 430, 441 (2005) ("Not every error committed by the trial court in a civil case leads to reversal; rather, there must be some showing that the appellant has been prejudiced by that error.").

¶ 26 Respondent makes another new argument in his reply brief that the retroactive support order fails to credit him for the temporary \$100 per month payments he made. Respondent again forfeited review by raising this argument for the first time in his reply brief. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Forfeiture aside, we note that respondent was found in contempt for failing to make the temporary \$100 payments and that we are unable to determine from the incomplete record on appeal how many temporary payments, if any, were actually made. Respondent's failure to provide us with a complete record requires us to presume that there were no temporary payments which needed to be credited. *Foutch*, 99 Ill. 2d at 392.

¶ 27 Finally, respondent complains in his reply brief that the court's factual findings were based on the testimony "from a single witness," Matos, and that we should remand for a new hearing

with “financial disclosure from both parents.” Of course, the reason Matos was the only witness who testified is because respondent failed to appear at the hearing, despite being properly served and specifically informed the day before the hearing that his failure to appear may result in income being imputed to him. Respondent’s failure to appear at the hearing results in his forfeiture of any evidence he might otherwise have presented. *Dale v. Bennett*, 2021 IL App (4th) 200188, ¶¶ 43-44.

¶ 28 For all the foregoing reasons, we affirm the circuit court.

¶ 29 Affirmed.